

## **REMARKS**

The Final Office Action of March 21, 2008 rejected claims 1-12 and 37. Claims 1-12, 21, 23, 24 and 37-39, are pending. Claims 21, 23, 24, 38 and 39 are currently withdrawn, but will be rejoined when claims 1 and 37 are allowed. Applicants have amended claims 1, 11, 37, 38, and 39 and have added new claims 40-49. No new matter has been added by these amendments. At least for the reasons below, the claims should now be in condition for allowance.

### **Telephone Interview**

Applicants' representatives conducted a Telephone Interview with Examiner Vetter on July 10, 2008. The parties discussed possible amendments to claims 1, 6, and 37 and possible new claims. The parties discussed the differences between the claims and Soestbergen. Examiner Vetter requested support for the amended elements of claims 1 and 37. Applicants agreed to provide the support, as provided below.

### **35 U.S.C. § 102 Rejections**

Claims 1, 5-6, and 9-11 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2002/0143693 to Soestbergen et al. ("Soestbergen") for the reasons noted on pages 3-4 of the Office Action. Applicants respectfully traverse these rejections.

Applicants repeat and adopt herein the comments previously made regarding Soestbergen. Furthermore, Soestbergen does not teach or suggest "wherein the emission allowance and offset holding information is allocated to individual participants based on an emission reduction schedule established for the individual participants", as recited by claim 1. This amendment is taught by the Specification. See e.g., Specification ¶¶ 0054-0051; 0059 (esp. "An emission reduction schedule created by the market is applied to create an emission schedule for each member"); 0060-0061; Table 1 ("below participant's baseline"); see also generally ¶¶ 0062-0070; FIG. 3 (esp. 102), FIG. 4 (esp. 430, 440, 450), FIG. 5-6.

Soestbergen (in particular ¶¶ 0108, 0109 and 0111) is directed to creating an appreciation table that is usable in setting the *value* of GHG reductions for a particular year. See *id.* But, this table and its use are different from claim 1 for at least two reasons.

First, Soestbergen's table is not used in allocating an emission allowance and offset holding at all. At most, Soestbergen describes issuance of Emission Reduction Credits (ERCs) (Soestbergen ¶ 0111), and the values of these GHG reductions/ERCs are based on the table (¶¶ 0108, 0109). But, neither the quantity of ERCs issued nor the manner of issuing is, in any way, based on the appreciation table or any other table of quantities of ERCs.

Second, Soestbergen's table is not established for an individual participant. Rather, the table is used to establish a global value of the GHG reductions/ERC for all persons or companies using Soestbergen's system. At least for these reasons, Soestbergen does not teach or suggest amended claim 1. Therefore, the rejection of amended claim 1 should be withdrawn.

The dependent claims recite features that are further distinct from Soestbergen. Thus, the claims are not anticipated by Soestbergen.

### **35 U.S.C. § 103 Rejections**

Claim 2 and 37 were rejected under 35 U.S.C. 103(a) as obvious over Soestbergen, et al. and in view of Sharp et al. (US Publication No. 2002/0111892) for the reasons noted on pages 4-5 of the Office Action. Applicants respectfully traverse these rejections.

Soestbergen does not teach or suggest "a quantity of the emission allowance or offset holdings is based on an emission reduction schedule established for the individual participants" as recited by amended claim 37. This element is taught by the Specification. See e.g., Specification, ¶¶ 0054-0055; 0056-0061; Table 1 ("1% below participant's baseline"); FIG. 4.

As discussed above, Soestbergen (in particular ¶¶ 0108, 0109 and 0111) is directed to creating an appreciation table that is usable in setting the *value* of GHG reductions for a particular year. See *id.* But, the *value* of a GHG reduction is no the same as "a quantity of the emission allowance." Moreover, Sharp does not solve this deficiency of Soestbergen. Therefore, amended claim 37 is not obvious based on Soestbergen in view of Sharp. At least for these reasons, the rejection of amended claim 37 should be withdrawn.

Claims 3-4 were rejected under 35 U.S.C. § 103(a) as obvious over Soestbergen in view of *Acid Rain Program: Allowance Auction and Electronic Allowance Transfer*, June 6, 1996, Federal Register, Vol. 61 No. 110, pages 28,995 -98 ("EPA Notice") for the reasons noted on pages 5-6 of the Office Action. Applicants respectfully traverse these rejections because claims 3-4 depend from claim 1 and should be allowed for substantially similar reasons as claim 1. *Acid*

*Rain Program* does not solve the deficiencies of Soestbergen to teach or suggest the elements of claims 3-4.

Claim 7 was rejected under 35 U.S.C. § 103(a) as obvious over Soestbergen in view of U.S. Publication No. 2003/0229572 to Raines et al. ("Raines") for the reasons noted on page 6 of the Office Action. Applicants respectfully traverse these rejections because claim 7 depends from claim 1 and should be allowed for substantially similar reasons as claim 1. Raines does not solve the deficiencies of Soestbergen to teach or suggest the elements of claims 7.

Claims 8 and 12 were rejected under 35 U.S.C. § 103(a) as obvious over Soestbergen in view of U.S. Patent No. 6,115,698 to Tuck et al. ("Tuck") for the reasons noted on pages 6-7 of the Office Action. Applicants respectfully traverse these rejections because claims 8 and 12 depend from claim 1 and should be allowed for substantially similar reasons as claim 1. Tuck does not solve the deficiencies of Soestbergen to teach or suggest the elements of claims 8 and 12.

### **New Claims**

New claims 40-49 are supported by the Specification. See e.g., Specification ¶¶ 0022, 0043; 0045-0047; 0050; 0054-0061; 0062-0067; 0083; FIG. 2, FIG. 4-6, and FIG. 8 and accompanying descriptions. For example, Soestbergen does not teach or suggest "wherein the emission allowances are allocated to the participant at the beginning of a period in which a participant has undertaken a reduction commitment", as recited by new claim 40 or "wherein the processor calculates emission allowances which are allocated to the individual participants at the beginning of the period in which the emissions for the allowances are to be generated by the participant", as recited by new claim 43. FIGs. 4-6. Soestbergen ¶ 0111 describes issuance of ERCs for a person or company using the Soestbergen system but does not teach or suggest that the ERC is generated by the person or company after allocation. At least for these reasons, new claims 40-49 should be in condition for allowance because they are not taught or suggested by the art of record.

### Conclusion

In view of the above, it is respectfully submitted that all current rejections have been overcome and should be withdrawn. As the Examiner indicated that a new search will be required to fully consider these amendments, a Request for Continued Examination is filed herewith. Accordingly, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,

Date

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